

EXHIBIT C

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SCHNUCK MARKETS, INC.,

Plaintiff,

v.

FIRST DATA MERCHANT DATA
SERVICES CORP., and
CITICORP PAYMENT SERVICES, INC.,

Defendants.

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Case No. 4:13-CV-2226-JAR

The Honorable John A. Ross

**FIRST SET OF INTERROGATORIES OF DEFENDANT
CITICORP PAYMENT SERVICES, INC. ADDRESSED TO PLAINTIFF**

Defendant, Citicorp Payment Services, Inc. ("Citicorp"), in accordance with Federal Rule of Civil Procedure 33, hereby requests that Plaintiff Schnuck Markets, Inc. answer the following Interrogatories within thirty (30) days of service.

I. INSTRUCTIONS

The following Instructions apply to this First Set of Interrogatories served by Citicorp:

1. These Interrogatories shall be deemed to be continuing and supplemental responses and documents shall be provided in accordance with the Federal Rules of Civil Procedure.
2. Each of the following Interrogatories shall be answered separately and fully in writing. Objections, if any, shall be signed by the attorney making them.
3. If you assert a privilege, work-product immunity, or decline to provide an answer to any Interrogatory on the basis of some other objection, please:
 - a. Identify and describe the document or communication in question;
 - b. Describe the basis for the asserted privilege or objection;
 - c. Identify every person to whom the document was sent, or every person present when the communication was made; and

d. Identify the present custodian of the document, if any.

4. These Interrogatories, unless otherwise indicated, cover the time period January 1, 2011 to the present.

II. DEFINITIONS

For purposes of these Document Requests:

1. The word “document” includes, but is not limited to, those materials identified in Federal Rule of Civil Procedure 34, as well as any written or graphic matter of any kind or character, however produced, reproduced or stored; any electronically or magnetically recorded matter of any kind or character, however produced, reproduced or stored; and any other matter constituting the recording of data or information upon any tangible thing by any means, as well as any tangible thing on which information is recorded and/or stored in writing, sound, electronic or magnetic impulse, or in any other manner including, but not limited to, paper, cards, tapes, film, electronic facsimile, e-mail, computer storage devices, hard drives, video, discs or any other media.

2. The word “identify,” when used in reference to:

- a. A natural individual, requires you to state his or her full name, and present or last known residential address, business address, and telephone number;
- b. A business, requires you to state the full name or style under which the business is conducted, its business addresses, its telephone numbers and the identity of the persons who own, operate, and control the business;
- c. A document, requires you to state its title, its date, the names of its authors and recipients, and its present or last known location and custodian. If any document was, but no longer is, in your possession or subject to your control, state: (i) what disposition was made of it; (ii) the date thereof; (iii) the person responsible for making the decision as to such disposition; and (iv) the person responsible for carrying out such disposition; and

- d. A communication, requires you, if any part of the communication was written, to identify the documents which refer to or evidence the communication and, if any part of the communication was non-written, to identify the person participating in or otherwise present during all or part of the communication, and describe the substance thereof.

3. The pronouns “you” and “your” refer to the party to whom these Interrogatories are addressed, and the party’s successors, assigns, employees, agents, attorneys, and all other persons purporting to act on the party’s behalf.

4. “First Data” means Defendant First Data Merchant Services Corp.

5. “Citicorp” means Defendant Citicorp Payment Services, Inc.

6. The term “Litigation” refers to the above-captioned litigation in the United States District Court for the Eastern District of Missouri, Case No. 4:13-CV-2226-JAR.

7. The terms “Complaint,” “Answer,” “Counterclaim,” and “Answer to Counterclaim” refer to the pleadings filed by the parties in this case (ECF Docket Nos. 9, 23, and 30, respectively).

8. The terms “Master Services Agreement” and “Merchant Services Bankcard Addendum” refer to the agreements defined in paragraph 16 of the Complaint.

9. The term “Contract” refers to the integrated agreement consisting of the Master Services Agreement, Merchant Services Bankcard Addendum, and Operating Procedures, as set forth in paragraphs 16-17 of the Complaint.

10. The word “or” means and/or.

11. The term “PCI DSS” shall mean “Payment Card Industry Data Security Standards.”

12. The term "Data Compromise Event" shall refer to the alleged cyber-attack described in paragraphs 24-26 of the Complaint.

13. The term "Reserve Account" shall refer to the account described in paragraph 30 of the Complaint.

14. The term "Networks" refers to the applicable credit card networks, as defined in paragraph 13 of the Complaint.

III. INTERROGATORIES

1. Identify each and every witness, by name, address, telephone number, occupation, employer, and relation to you, First Data, and/or Citicorp, that you intend to have testify at trial.

In doing so, please provide the following:

- a. The subject matter upon which each witness will testify;
- b. The nature and content of that testimony; and
- c. Identify all documents that support or relate to that testimony.

ANSWER:

2. Identify each and every person that you intend to have testify as an expert at a hearing or trial in the Litigation.

ANSWER:

FOX ROTHSCHILD LLP

Dated: August 7, 2014

By: /s/ Joshua Horn
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Amy C. Purcell (admitted *pro hac vice*)
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CERTIFICATE OF SERVICE

I hereby certify that on August 7, 2014, I caused a copy of the foregoing to be served on the following via electronic mail and first class mail.

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/s/ Joshua Horn